

UTAH WILDLIFE BOARD MEETING

Thursday, April 27, 2006

DNR Auditorium, 1594 W North Temple

Salt Lake City, Utah

AGENDA

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| 1. | Review and Acceptance of Agenda
-Dr. Jim Bowns, Chairman | ACTION |
| 2. | Review and Acceptance of Minutes
-Dr. Bowns | ACTION |
| 3. | Action Log
-Dick Diamond | ACTION |
| 4. | DWR Update
-Jim Karpowicz, DWR Director | INFORMATION |
| 5. | Antlerless Addendum & Rule
-Dr. Craig McLaughlin, DWR Big Game Coordinator | ACTION |
| 6. | Antlerless Permit Numbers
-Dr. McLaughlin | ACTION |
| 7. | CWMU Antlerless Permit Numbers
-Ron Hodson, DWR CWMU Program Coordinator | ACTION |
| 8. | Great Salt Lakekeeper Variance Request Appeal
-Martin Bushman, Assistant Attorney General | ACTION |
| 9. | Edmunds Appeal of Motion to Set Aside Default Order
-Martin Bushman | ACTION |
| 10. | Other Business
-Dr. Bowns | CONTINGENT |

UTAH WILDLIFE BOARD MOTIONS

Thursday, April 27, 2006
DNR Auditorium, 1594 W North Temple
Salt Lake City, Utah

1. Review and Acceptance of Agenda **ACTION**

The following motion was made by Rick Woodard, seconded by Allan Smith and passed unanimously

MOTION: I move that we approve the agenda.

2. Review and Acceptance of Minutes **ACTION**

The following motion was made by Dick Diamond, seconded by Paul Niemeyer and passed unanimously.

MOTION: I move that we approve the minutes of the April 6, 2006 Wildlife Board meeting with the noted corrections.

3. Action Log **ACTION**

The following motion was made by Allan Smith, seconded by Rick Woodard and passed unanimously.

MOTION: I move that we accept the Action Log as presented.

4. Antlerless Addendum & Rule **ACTION**

5. Antlerless Permit Numbers **ACTION**

The following motion was made by Paul Niemeyer, seconded by Lee Howard and passed four to two. Dick Diamond and Allan Smith opposed.

MOTION: I move that we keep the Fish Lake/Thousand Lake Unit closed to antlerless elk hunting.

The following motion was made by Lee Howard, seconded by Keele Johnson and passed four to two with Dick Diamond and Allan Smith opposed.

MOTION: I move that we allow 80 antlerless elk permits on the Fillmore Pahvant Unit.

The following motion was made by Paul Niemeyer, seconded by Keele Johnson, failed with Paul Niemeyer, Keele Johnson and Lee Howard in favor, Dick Diamond, Allan Smith and Rick Woodard against. Chairman Bowns broke the tie with a negative vote.

MOTION: I move that we allow 150 antlerless elk permits on the Mt. Dutton Unit.

The following motion was made by Keele Johnson, seconded by Lee Howard and passed unanimously.

MOTION: I move that we allow 20 antlerless elk tags on the San Arroyo Unit.

The following motion was made by Rick Woodard, seconded by Dick Diamond and passed unanimously.

MOTION: I move that the Division look into creating a third unit on the San Juan Unit.

The following motion was made by Dick Diamond, seconded by Allan Smith and passed unanimously.

MOTION: I move that we accept the remainder of the Division's recommendations on the Antlerless Addendum, Rule and Permit numbers.

6. CWMU Antlerless Permit Numbers

ACTION

The following motion was made by Dick Diamond, seconded by Keele Johnson and passed unanimously, with one abstention by Allan Smith.

MOTION: I move that we accept the Division's recommendations on the CWMU Antlerless Permit Numbers.

The following motion was made by Keele Johnson, seconded by Paul Niemeyer and passed unanimously.

MOTION: I move that the Division look at the calibers used in hunting.

UTAH WILDLIFE BOARD MEETING

Thursday, April 27, 2006

DNR Auditorium, 1594 W North Temple

Salt Lake City, Utah

Board Members Present

Chairman Jim Bowns

Rick Woodard

Jim Karpowitz - Executive Sec

Allan Smith

Keele Johnson

Paul Niemeyer

Dick Diamond

Lee Howard

RAC Chairs Present

Ernie Perkins - Northern

Jim Gilson - Southeastern

Mike Small - Southern

Fred Oswald - Central

Boyde Blackwell/Kevin Christopherson
(Northeastern)

Public Present

John Whitehead - /Department of Water

Tony Abbott Quality

Jeff Salt

Margaret Bird

Todd Bingham

Division of Wildlife Resources

Steve Phillips

Craig McLaughlin

LuAnn Petrovich

Bill Bates

Cindee Jensen

Walt Donaldson

Martin Bushman

Clay Perschon

Mark Hadley

Teresa Bonzo

Ron Hodson

Boyde Blackwell

John Fairchild

Derris Jones

Mike Fowlks

Anis Aoude

Alan Clark

Judi Tutorow

Chairman Bowns welcomed the audience and introduced the Wildlife Board members and RAC Chairs. The agenda was then reviewed.

I. Approval of Agenda (Action)

The following motion was made by Rick Woodard, seconded by Allan Smith and passed unanimously.

MOTION: I move that we approve the agenda.

II. Approval of Minutes (Action)

On p. 7, last paragraph, line 9, change "Utah" to "Ute." P. 19, paragraph 9, line 2, insert "mandatory submission of" before "teeth." P. 38, last paragraph, insert "thousand" before "gallon."

The following motion was made by Dick Diamond, seconded by Paul Niemeyer and passed unanimously.

MOTION: I move that we approve the minutes of the April 6, 2006 Wildlife Board meeting with the noted corrections.

III. Action Log

This item was addressed by Mr. Diamond. He said he sometimes questions if certain items should be dropped off the log. Some have dates on them as to when they will be addressed. It might be helpful to number the pages. Did not we already re-activate the CWMU Committee?

Mr. Ron Hodson said the CWMU Committee has been re-activated. We have meetings scheduled for the end of May to go over what is expected of them and what their responsibilities are. We will get started on the CWMU review process.

Mr. Diamond asked about the mandatory return of elk teeth and when this would begin.

Director Karpowitz said they still need to have some discussion on that issue. Craig McLaughlin is working on this. There are some problems with mandatory tooth submission. There has always been a problem with sending them through the mail, so we need to look at other options. Hunters would need to bring them to a Division office in person. We will bring this recommendation to the Board when we do the 2007 Proclamation.

The following motion was made by Allan Smith, seconded by Rick Woodard and passed unanimously.

MOTION: I move that we accept the Action Log as presented.

IV. DWR Update (Action)

Director Karpowitz said that last night was the annual awards banquet. It is an opportunity to recognize outstanding employees in the Division, our partners and organizations that are working hard to help the Division, also including legislators, and volunteers from around the state. The Director's Outstanding Employee Award went to John Fairchild for work with the Habitat Initiative. The next award was the Director's Leadership Award to Greg Sheehan. The DWR is putting together a news release identifying the awards that were given. It was a great year around the state.

The Division is putting together a comprehensive plan for dealing with the potential of Avian Flu in the state. There is a possibility that wild birds could bring it to North America this year. There is going to be a huge sampling effort across North America, especially in the Pacific Flyway to see if it can be detected. This will be a big project this fall to look at wild populations.

On the fish license marketing effort, the DWR is going for it. We are looking forward to a great fishing year. The Division has put together a committee to look at different ways to market fishing. There will be bill boards around the state, a large mailing to lapsed anglers, reworking of the website for fishing information to be available more quickly and in more detail.

Endangered species money was allocated last week. The Division did well on this because most of the projects were accepted. The Division has been looking at how they will address energy development in Utah, and it's potential impacts. One of the first steps is to hire a statewide energy coordinator. That job will go to Bill James, the Section Chief of Habitat. He has a lot of experience and will do well.

Mr. Diamond asked if there had been a closure in the last few weeks at Panguitch Lake.

Doug Messerly said Panguitch Lake will be closed, starting this Monday. The ice is off and the streams are clear. Unfortunately, we were not able to do the project as soon as hoped for. There will most likely not be fish back in the Lake for Memorial Day. June 10 will be the grand reopening day, which is also free fishing day.

Director Karpowitz said there was a great article in the Deseret News complimenting the Division on the process that we went through to involve the public in this decision making process at Panguitch Lake.

Mr. Howard said he has seen the year round fishing licences in many stores around the state. He got a call from a person in Oregon that received the sharp tailed grouse that Utah sent. They are enjoying our grouse.

Mr. Diamond asked if the Division has given any thought to fishing licenses sold in December. The problem is that when they are bought for Christmas presents, they expire before Christmas the next year. This creates the potential for problems. Could they make them go through January 1st?

Director Karpowitz said they are looking at this to see if that could be accomplished. They feel that once people get used to it, they will see the advantage, even if there is not change.

Mr. Woodard asked if there was any word on change in sales on fishing licenses at this point, since the change.

Director Karpowitz said it picked up through the winter. April has been slow, but we did not expect to see much change in fishing licenses until May and June. We are nervous about gas being \$3 a gallon and what it might do to people who want to go fishing. Hopefully prices will moderate. There is some phenomenal fishing around the state. Lake Powell has never been better.

V. Antlerless Addendum & Rule (Action)

VI. Antlerless Permit Numbers (Action)

Dr. Craig McLaughlin, DWR Big Game Program Coordinator, presented these items together. He said that most of our emphasis is placed on the buck and bulls recommendations, but today's recommendations reflect one of our major tools for management. This is an important management program.

He then went over deer population trends and antlerless permits. He said he will cover both the addendum and rule and the recommendation for permit numbers in one presentation. Over the last several years, deer populations have declined and then started to rebound since 2004. The number of antlerless permits has been decreasing to allow populations to continue to rebound. If we have continuing favorable conditions and habitat projects work, permit numbers will go up. Fawn production trends have been increasing since 2002. In 2005, we were at 70 fawns per 100 does.

The elk population trends are similar to the deer population, but not as drastic. They have been rising since 2004 and the antlerless permits have been decreasing to allow the population to recover. We need to control antlerless elk numbers. We are recommending 5,300 permits for 2006. There is a 135 permit increase on doe pronghorn and an increase of 38 antlerless moose permits, mostly along the Wasatch Front.

Other recommendations include minor wording changes for clarification. As a result of the Elk Committee recommendation and ongoing concern over the need to improve drawing odds for antlerless big game hunts, the Division is recommending that bonus points for antlerless moose be instituted. There is a five year waiting period for antlerless moose and a lower drawing odd than other antlerless species. A preference point system for antlerless deer, antlerless elk, and doe pronghorn is being recommended. These have no waiting period and higher drawing odds.

Both processes are identical to Buck and Bulls OIAL processes. This completed the presentation.

Mr. Howard asked if it is time for a review to reassess the deer and elk objectives.

Dr. McLaughlin said we are operating under five year plans for both species. The deer plan runs through 2008. We just revised deer plans. We will be reconvening the Elk Committee, particularly to look at age objectives. They will be looking at the statewide plan this summer.

Director Karpowitz said unit plans will also be revised for elk.

Dr. McLaughlin said they will be fully revised and are on schedule to be presented to the Board next year.

Mr. Smith said the Elk Committee does not determine the population objectives for individual elk units. That is up to the individual areas, involving the local landowners and interest groups. It is on a unit by unit basis.

Dr. McLaughlin said it is expected that they will reconvene the local groups as well, when we go through the unit plans.

RAC Recommendations

Northern - Mr. Perkins said they accepted the Division's recommendations 9 to 1. Their motion covered the rule and the permit numbers.

Central - Mr. Oswald said they passed both the proclamation and rule, and the permit numbers unanimously.

Southern - Mr. Small said they dealt with the elk first and voted to accept 5 to 4. They changed the numbers to have 80 permits on the Fillmore/ Pahvant, 150 on the Dutton, and closed the Fish Lake/One Thousand Lakes for antlerless elk. The "blue light special" is still in a lot of people's minds on the Fish Lake issue. The RAC accepted the Division's recommendations for deer and pronghorn unanimously. They had another motion for the remaining recommendations and it passed unanimously. They did have discussion on the Henry Mountains. The objective there is to have zero elk and yet the permits were not to zero it out. That did not seem to make sense. The Henry Mountains Unit is in the Southeastern Region.

Northeastern - Mr. Blackwell said they did not have a full quorum at the RAC meeting, but voted unanimously to accept the rule and permit numbers.

Southeastern - Mr. Gilson said there was a lengthy discussion on the proclamation. There are some resident elk where there is concern. They had a motion to create a new unit on the San Juan and it passed unanimously. The next motion was to accept the remainder of the antlerless proclamation and rule. This passed unanimously. Concerning the permit numbers, a motion was made for 30 antlerless permits to be moved to the Cedar Mesa Unit, which is a new unit. This passed 5 to 3 with 2 abstentions. There was then a motion to accept the numbers as presented with an amendment to increase the San Arroyo permits from 15 to 20. This passed unanimously.

Mr. Diamond is struggling with the RAC creating a new unit. The RAC is an advisory tool. He has no problem with a recommendation for the Division to look into creating a new unit.

Mr. Woodard asked about the elk herd status and recommendations handout. He was trying to find a pattern and could not. He referred to Northern Region populations and permit numbers, and how they relate. Are there landowner issues?

Dr. McLaughlin said there are additional permits being issued and it is much more complicated than this table shows. For instance, we have tribal permits, and private land access issues. We can have the regional supervisors present individual situations if the Board wishes. We are having problems in the Northern Region with trying to harvest deer, because of problems with access. In the Northeastern Region, the apparent lack of permits is reflecting the fact that there are a lot of tribal permits there.

Mr. Woodard asked if the 80 permits on the Book Cliffs are tribal permits.

Dr. McLaughlin said these are all public permits, but there are additional tribal permits that are being issued.

Mr. Smith said as far as the Book Cliffs go, he is not sure that the 7,500 elk population is a realistic figure. As we go through the individual elk unit management plans, some goals could be brought back into a more realistic framework, but presently that is the goal.

Mr. Blackwell said whether or not that is realistic is questionable. The BLM wanted a higher goal, and this was a compromise. Permits have been issued so we can push elk out of certain areas into others before we have any problems with range conditions. This is an opportunity to push them before problems come up. Hopefully some will be pushed into some of the tribal areas.

Mr. Howard said on one hand we are worried about the level of permits and on the other we are not meeting objectives. We need a balance and should address these by unit.

Mr. Johnson said we have responsibility to get good information in order to make decisions.

Mr. Smith said the harvesting of antlerless elk and deer is to keep populations under control. If there are numbers that are close to objectives, some antlerless permits should be issued, because there will be a natural increase in the population.

Mr. Woodard said since we are having a good year, weather wise, what would a herd of 1,000 elk increase to?

Dr. McLaughlin said roughly 1,200. There is not that much natural mortality going on. In the case of deer, there are a lot less permits than for elk. We are still trying to keep

deer permit numbers down and build the populations. We do not harvest antlerless deer when we are trying to build herds. Some of these permits are to address deer depredation problems.

Chairman Bowns asked if there were any questions or comments. There were none.

Board Discussion

Chairman Bowns summarized the RAC recommendations. See minutes for Southern and Southeastern. We will address the 80 antlerless elk permits for the Pahvant, 150 on the Dutton and the Fish Lake/Thousand Lakes remaining closed to antlerless hunting.

Mr. Diamond asked about the 200 tags on the Fish Lake. Is this appropriate for that unit? Is the public sentiment based on fear?

Dr. McLaughlin said the Division is comfortable with the 200 permits, designed to slow the population growth down. If we do not go with the recommendation this year, it will be a bigger increase of permits next year. There is a fear driving public opinion, but we have good information to support our recommendations. If we do not increase permits, we will have a herd overshooting the population objective very quickly.

Mr. Niemeyer said the count on the Fish Lake was 3,223 elk. If there are 4,000 elk, we are still 800 under objective. We need to be careful on that unit. It is a sore spot with a lot of people, and many of the elk that are there presently, are pushed into the area. We have hunted late all around that area and it will not take a lot to push them back out of the unit. He wants to support the RAC and leave it closed.

The following motion was made by Paul Niemeyer, seconded by Lee Howard and passed four to two. Dick Diamond and Allan Smith opposed.

MOTION: I move that we keep the Fish Lake/Thousand Lakes unit closed to antlerless elk hunting.

Chairman Bowns asked that the Division present their rationale on this issue.

Teresa Bonzo, Southern Region Wildlife Manager, addressed the Board. She handed out information on three population scenarios for 50 calves/100 Sept. cows. (See Attachment #1) Ms. Bonzo explained the graph and the scenarios. This year the Division is recommending 200 tags with an assumed harvest of 50%. With the 4,000 elk that are estimated presently, at the end of June when the calves are born, we will be above the objective of 4,800. If we wait until next year to open the unit for antlerless, we will ask for 800 permits. They want to start now and go slowly, working a smooth, stable trend. If we continue to wait, the recommended permits will keep going up.

Mr. Small said that during the RAC meeting discussion, there was some question to the accuracy of the counts and the timing relative to the population objectives. The elk move from unit to unit.

Mr. Howard said we neglected to follow the pattern in our procedure and needed to get the biology before the motion was made. Once a motion is on the floor, it is questionable as to whether we should be addressing the biologist.

Chairman Bowns said the motion was made so rapidly, we did not have a chance to let the biologists give input. He agreed with Mr. Howard, and we should have gotten the biology first.

Mr. Diamond said he realizes that elk move, but he believes that the biologists have enough experience and knowledge to conduct these counts. We should go with their recommendations. Their information has to be better than that given from people at the RACs, that hunt there and see a few animals from time to time.

Mr. Niemeyer said he is not confident that we have that many resident cows on that unit. 200 is too many permits. He wants to see it go another year and see what is really there. The Mt. Dutton Unit is also a hard unit to count.

Mr. Johnson said we are still down from objective on the Fish Lake. The local people feel strongly about keeping it closed.

Mr. Diamond said the biologist said we will be at objective in June.

Chairman Bowns said we need to keep in mind that the biologists give us the best information and projections they have, verses the people in the local areas. We need to keep in mind where these figures come from when debating these issues.

The vote was taken on the motion with four in favor, and two opposed, Dick Diamond and Allan Smith.

Ms. Bonzo then addressed the Fillmore Pahvant Unit. The 80 permit recommendation from the RAC was a 50% reduction from the Division recommendation. Currently the population estimate is 1,150. It is below the objective of 1,425, but we expect it to be above objective in June.

Mr. Howard said he would like to go with the 80 permits until the objective is actually reached. He agrees with the Division that we should increase permits slowly.

Chairman Bowns asked for questions or comments from the RAC Chairs and audience, and there were none.

The following motion was made by Lee Howard, seconded by Keele Johnson and passed four to two with Dick Diamond and Allan Smith opposed.

MOTION: I move that we allow 80 antlerless elk permits on the Fillmore Pahvant Unit.

Ms. Bonzo then addressed the Mt. Dutton Unit. The population estimate is 1,600 and is 100 over objective. Harvest success has also been very low over the last few years. The RAC recommendation is 150 permits which is 50% less than the Division recommendation.

Mr. Niemeyer asked when the unit was counted last.

Ms. Bonzo said it was counted two years ago.

Mr. Niemeyer said the Mt. Dutton Unit has changed hunt strategies a lot. Depending on the year, a lot of elk move in, but not consistently. He had more calls on this unit than any other. His argument is that if harvest success is not high, it is because the elk are not there. He is in favor of the RAC recommendation. We move the elk a lot when we hunt them after the first of the year. He would rather see them hunted before the first of the year with more tags early and less late. People think the elk are not there. Mr. Niemeyer said this unit should be flown and counted the same time as the Boulder and the Monroe. He would like this as part of the motion.

Chairman Bowns asked Mr. Messerly if this recommendation would fit in with the Division's scheduled rotation of when units are flown.

Mr. Messerly said there is exchange of elk between the Boulder and the Fish Lake, and the same argument could apply between the Monroe and the Fish Lake. What we could do is fly the Fish Lake, Boulder, Dutton, Monroe, Paunsagunt and keep in mind that elk also come from the Panguitch Lake and the Beaver units. It would be hard to determine where it ends. They flew the Boulder, Monroe and Fish Lake this year, because that is what was affordable. We try to fly three units a year and it is difficult with the exchange of elk that occurs. We do what we can afford in terms of time, money and manpower. It is difficult to work the timing on counting elk. At some point we have to declare which unit the animals are on. The Panguitch Elk Committee helped with the objective for elk on the Dutton Unit. According to the work that we do as wildlife biologists, we believe that harvest is necessary on the Dutton in order to maintain the objective that we have committed to, by law and principle.

Mr. Howard said he agrees with Mr. Niemeyer on permits, but the Board should not determine when and how the units are counted and flown.

The following motion was made by Paul Niemeyer, and seconded by Keele Johnson and was later amended. No vote was taken at this point.

MOTION: I move that we allow 150 antlerless elk permits on the Mt. Dutton Unit and also when they fly these units, do it in a similar time frame.

Mr. Johnson said we need to group units together that have elk exchange when counting. We need to try to look at areas, group them and then budget accordingly.

Director Karpowitz said this is not an issue the Division has not thought about and discussed at length. They had a meeting one year ago with all the managers and looked very carefully at how many units need to be flown each year. They count these on a three year rotation, considering movement and overlap, spending 1/3 of a million dollars every year on flying these areas. We have looked at the rotation and timing, and it is mapped out for the next three years. A lot of good minds have worked on this issue. We fly as much as we can. There is elk movement all over the state and we cannot fly the entire state every year.

Mr. Diamond said on the previous two motions, a lot of the rationale was that we are not at objective. We are at objective on the Mt. Dutton Unit. The message that the Board is sending is that the Division's biologists do not know what they are doing. The hunters and those at the RAC meetings seem to have far more information and are far more believable than the professionals. This is very bothersome to Mr. Diamond that we are hassling over a few numbers in units that we all know have a lot of elk movement. We know we cannot fly every unit every year, but there are people around who have worked with residents on the ground and come up with objectives that we are supposed to support. We are now talking about a unit that is at objective, and has an 18% harvest rate. We are saying again that the Division's recommendations are inaccurate. Mr. Diamond said he will have to vote against this motion also.

Chairman Bowns said he has the same concerns as Mr. Diamond. We go to these RAC meetings and get these figures that are essentially pulled out of the air, and tend to neglect the Division's figures that are based on programs and flight numbers. This unit is not only at objective, but above objective.

Mr. Smith said he is very committed to setting elk populations, unit by unit. We need to manage to the objectives. It would be impossible to fly the whole state in one year. It is not our purview to spend the Division's money for flying. There is some movement of elk in the state and will always be. We are above objective on this unit.

Mr. Niemeyer said he will withdraw the part of the motion (above) concerning the flight schedule suggestion.

The following motion was made by Paul Niemeyer, seconded by Keele Johnson, and failed three to four, with Paul Niemeyer, Keele Johnson and Lee Howard in favor, Dick Diamond, Allan Smith and Rick Woodard against. Chairman Bowns broke the tie with a negative vote.

MOTION: I move that we allow 150 antlerless elk permits on the Mt. Dutton Unit.

Chairman Bowns said with the recommendations that we have made on the last three motions, current season dates and proportion of permits per hunt will remain the same. That was part of the original motion. We will now discuss the recommendations from the Southeastern RAC and Chairman Bowns summarized those motions.

Mr. Johnson said we should address each of the three motions separately.

Mr. Diamond said he definitely wants to hear from the Division on creating a new unit.

Mr. Johnson said he will make a motion that does not create a new boundary, but he wants to address the San Arroyo tag increase issue first.

Bill Bates, Wildlife Manager in Southeastern Region, said the increase on the San Arroyo was recommended by the BLM. They have some concerns on the Book Cliffs, San Arroyo sub-unit. There is a group of 120 resident elk out in the desert that are doing damage. What they are trying to do is rework the allotments with the new owner who is trying to convert from sheep to cattle, which is a good thing. When the Division went out and looked at the problem, what we are having is elk camping in on some burnt areas and feeding on cheat grass that is lush in the spring. Personally, Mr. Bates does not see a problem with elk eating cheat grass, but five permits is not a big deal. Biologically, it is not an issue.

The following motion was made by Keele Johnson, seconded by Lee Howard and passed unanimously.

MOTION: I move that we allow 20 antlerless elk tags on the San Arroyo Unit.

Mr. Johnson then talked about the Cedar Mesa recommendation. That area is part of the San Juan/Elk Ridge Unit. We have 200 cow tags in that unit. He proposes splitting the 30 out from the 200 on this unit. The 200 would be east of Highway 191 and we would take 30 of those and move them south of Highway 95. We will not create a new unit, but for that unit we want 30 of those tags south of the highway. There will be 170 tags unit wide, but 30 will be specifically south of the highway. He then outlined the boundaries where these 30 permits could be hunted.

Mr. Diamond said that Mr. Johnson just described a separate unit, but did not give it a name.

Director Karpowitz said it would be a separate hunt unit with a separate boundary with a separate designation in the proclamation, as Mr. Johnson described it.

Mr. Bates said the San Juan elk unit has a 1,300 elk objective. Right now, we estimate about 1,400 elk. We flew that two years ago and counted around 1,000 elk. We are above objective. The motion Mr. Johnson has proposed is essentially the same as the one that came out of the RAC. The Division flew the area south of Highway 95, looking for bulls. They did not see any bulls and there are not a lot of elk in that area anyway. It is a public land area, managed by the BLM with SITLA parcels. The land management agency is not complaining about any problems or damage. The permittees themselves have not brought anything to the attention of the Division. At the RAC, the person who made the motion, said that the permittees had spoken to him about it. The Division had a meeting with the San Juan Elk Committee a few months ago and they said it came up as an issue there. The Division employees were not directly involved in that conversation. The Division's recommendation still stands. If the Board decides to split out an extra unit with permits south of the highway, we would suggest having 15 extra permits, not taking those away from the 200 on the mountain, and that they run from Sept 16-Oct 6, 2006. Since we are over objective, we need to have some harvest. It would be a mistake to take them off the mountain, because we probably will not have the harvest out in the Cedar Mesa area.

Director Karpowitz asked about the San Juan elk tags west of 191, do they go south of highway 95?

Mr. Bates said no.

Director Karpowitz asked what if they did.

Mr. Bates said that would work. We could change the boundary description to include these. The people who draw a permit could hunt down there if they choose. Also, if there are any cow elk down there that people are concerned about, if they draw a permit from the mountain, they could go hunt down on the Cedar Mesa area. The reason for the season dates is that if these are resident elk, they would prefer they be taken before the elk come down off the mountain.

Mr. Johnson said if we are going to hunt those elk, it would need to be during the rut. The concern is with the livestock owners. There are some elk back in there and it is extremely thick pinion-juniper with openings. It would be a very difficult hunt. This recommendation was put out there as something for the livestock owners.

Director Karpowitz said currently there is no antlerless harvest south of 95. If there is a problem with 15-20 elk, we might need to target them and have a specific hunt for them.

Mr. Bates said they have never had anyone complain. He is not convinced there is a problem. Mr. Bates said that Derris Jones suggested changing the boundary on antlerless elk only, but we would not want to change it for bulls, because of complications with the Landowner Association.

Mr. Gilson said this recommendation did come to the RAC through the public. The RAC member never intended to do anything other than target those elk specifically. Creating a new boundary looked to be a way to handle this. If the elk are there, why not target them and hunt them? Mr. Gilson is concerned with public comments verses Division recommendations. The RACs are there to take public comments, to address public issues and problems in each specific region, so if the RAC makes a motion to create a new boundary, that is what they are supposed to do. That is how he sees their responsibility. The question that he comes back to is, what is the purpose of having the public come, if we do not do something about it? Why have the RAC deal with these issues?

Mr. Diamond said that the more appropriate motion would be to suggest that the Wildlife Board and the Division look at making a new unit. The RACs need to present the problems that have been identified by the public and essentially turn them over to the Division.

Mr. Gilson said the RAC was unanimous in targeting the elk and creating a new unit. The discrepancy on the vote came on the number of tags and where they would come from.

Mr. Diamond said, the RAC may be right in this recommendation and a new unit should be created, but if it is created, it will happen through the Division.

Mr. Howard said he agrees with both sides of this discussion, but we should listen to the message from the RAC no matter how it comes to us.

Mr. Johnson said we need to look into this situation, gather more information and not waste anymore time talking about it today.

Mr. Gilson said none of this was discussed in the public format. Mr. Bates wanted to respond to the numbers, but it did not happen before the vote. He feels that Mr. Johnson is headed in the right direction on this issue.
Mr. Johnson gave some suggestions on boundaries.

The following motion was made by Rick Woodard, seconded by Dick Diamond and passed unanimously.

MOTION: I move that the Division look into creating a third unit on the San Juan Unit.

The following motion was made by Dick Diamond, seconded by Allan Smith and passed unanimously.

MOTION: I move that we accept the remainder of the Division's recommendations on the Antlerless Addendum, Rule and Permit numbers.

Director Karpowitz said he needs to make a statement regarding antlerless elk harvest and managing to objectives. Our deer and elk populations are recovering quite well. Many elk populations are at or above objective and a lot of deer herds are getting close to objective. The Division is required by state law to manage to objectives. This is not like age class objectives that are not set in state law. Antlerless harvest is a very sensitive issue, especially on units like the Fish Lake. Still, we do not want to get into a situation where we are backed into the corner and have to recommend large numbers of permits to stay with objective. When you go right up against the objective and then issue the permits, we end up in trouble. Our biologists have recommended phasing into this, getting into it gradually. When we come back next year, the recommendation for the Fish Lake will be two or three times higher than what it was this year and there will probably be no options, because the model is going to project that the herd is over objective. We are also headed toward this situation with antlerless deer. As unpopular as antlerless elk harvest is, antlerless deer is ten times worse. If we have another good year with a wet spring and mild winter, the Division will be back with significant recommendations for antlerless harvest for both deer and elk. We need to phase into that, because catch up is very difficult. We have had to do that on several elk herds that have gone beyond the objective and bringing it back down below the objective is hard to do without having some serious impacts on those herds. Director Karpowitz said he makes this comment in preparation for next year.

Mr. Howard said he would like to know more about the modeling.

Director Karpowitz said we need to get the Board together and have the biologists explain these models. What our people do is make the best educated estimate they can on herd size. They take this very seriously and it is hard to have to deal with the models. Where we have a law that says you will have a certain number of animals on a unit, we have no option. It would be a good idea to get the Board together and explain the modeling concept.

Dr. McLaughlin asked about the action to reduce permit numbers on the Mt. Dutton, did the Board mean for them to be reduced equally on the various hunts in those units?

Chairman Bowns said that the intent of the motion was to keep the current season dates and proportion of permits per hunt. The Dutton stayed at 300 permits, with 80 permits on the Fillmore/Pahvant, and the Fish Lake/Thousand Lakes remained closed to antlerless harvest.

VII. CWMU Antlerless Permit Numbers (Action)

Ron Hodson, DWR CWMU (Cooperative Wildlife Management Unit) Program Coordinator, presented this item. For 2006, we have 102 CWMUs in the state, 58 in the Northern Region, 11 in the Central, six in the Northeastern, 18 in the Southeastern and nine in the Southern. There are just over two million acres enrolled at this time, 96% of which is private land. He went over how antlerless permits are allocated on CWMUs. First, they set buck/bull permit options in November. For deer and elk, they can choose anywhere from a 90-10 to a 75-25 private/public split, and for moose and pronghorn, it is always a 60-40 split. The antlerless permits are determined based upon what was chosen

as the buck/bull permit split. For instance, if they chose a 90-10 split, that becomes a 0 private and 100% for public split on antlerless permits. If they chose 75-25 split, that becomes a 50/50 split on antlerless.

59 of the 102 CWMUs have applied for antlerless permits. For deer, statewide, the Division is recommending eight private permits and 114 public. This is a reduction from last year, mostly due to a reduction in harvest on Unit 4. For elk, 308 private and 975 public, pronghorn 55 private and 83 public and on moose, 19 private and 24 public. The total permits is 390 private and 1,196 public (75%). The DWR and the CWMU operators agree on all recommendations.

On elk, the regular draw permits decreased by 708 permits and CWMU permits increased by 199. CWMUs are accepting their fair share of the antlerless elk harvest. Our biologists spent a lot of time and effort this year in order to get CWMUs to accept antlerless permits. CWMUs presently comprise about 13% of the elk habitat in the state and they are accepting about 20% of the antlerless elk permits.

On antlerless moose we had six CWMU permits in 2005, and we have 43 CWMU permits in 2006. That goes along with the increase in the regular draw. This is on Units 4, 5, and 6 which are over objective. This will help control those unit populations and decrease some of the problems we have with moose coming into town.

As a summary, the Board approved 2006 buck and bull permits at 2,641 private and 428 public. Today, the Division is recommending for 2006 antlerless permits, 390 private and 1,196 public for a total of 3,031 private and 1,624 public. This represents a significant amount of access for the public onto private lands. This concluded the presentation.

Mr. Johnson asked if the public is behaving when hunting on private land.

Mr. Hodson said for the most, yes. They do have a few complaints. The hunters must all agree to abide by certain rules before they hunt.

Mr. Smith said the public hunters on his CWMUs are every bit as good as the private hunters.

Mr. Woodard asked if there is any program out there where we are trying to encourage private landowners to participate in the CWMUs.

Mr. Hodson said the CWMU Association is promoting the program. They have a public relations committee set up for this. The goal is to have all the CWMUs functioning on a higher level.

Mr. Smith thanked Mr. Hodson for the work he has done with the CWMU operators. This is the first year there has been complete agreement on recommendations. The new

form really simplified things and reduced the chances for mistakes and misunderstandings.

RAC Recommendations

Southeastern - Mr. Gilson asked about the CWMU Committee. Is it open to the public?

Mr. Hodson said it is the CWMU Oversight Committee. It has been set up in rule, including the membership. It has not been constituted for the last two years. It takes care of any complaints, mostly from the public, then the committee makes recommendation to the Wildlife Board as to what should occur. Another part of their charge, by rule is to review the operation of the CWMU Program. He is going to get together with them and work out these details.

Southeastern - Mr. Gilson said they had a motion to accept as presented, with one abstention from a CWMU operator.

Northeastern - Kevin Christopherson said they did not have a quorum there, but those present accepted the recommendations as presented unanimously.

Southern - Mr. Small said they made this into two motions. They had two CWMUs in Southern Region that they dealt with first and this passed. The other motion was to accept the Division's recommendations as presented, 7 in favor and 2 abstentions.

Central - Mr. Oswald said they accepted the recommendations as presented, unanimously.

Northern - Mr. Perkins said they accepted the recommendations as presented, unanimously, with three abstentions.

The following motion was made by Dick Diamond, seconded by Keele Johnson and passed unanimously, with one abstention by Allan Smith.

MOTION: I move that we accept the Division's recommendations on the CWMU Antlerless Permit Numbers.

Mr. Small asked the Board for some guidance on voting on statewide issues. Should we consider it statewide, or just look at the ones in their regions?

Director Karpowitz said there are no real clear guidelines on this, but in the past RACs have focused on the units in their own region, unless they have a pressing issue outside of the region, or it is taken as a statewide block. There is leeway.

Mr. Small asked if we should follow up with a second motion to cover the entire state.

Director Karpowitz said it might be helpful.

Mr. Diamond said it is appropriate for the RACs to discuss issues around the state, if they are relevant to the public in their area.

8) Other Business (Contingent)

Chairman Bowns said we will now address a situation from the Southern RAC for some mitigation bull elk permits.

Mr. Small said there was a member of the public from Piute County that had a problem with elk depredation in his haystacks. They did have a motion on this to suggest that the Division make an evaluation in specific situations to ensure mitigation of bull elk permits. This motion passed 8 to 1.

Mr. Smith said there is a law in place that covers this situation. It is spelled out in code what the Division can and cannot do in these cases.

Mr. Niemeyer said that the Division has actually provided this individual with fencing and the fencing is not up.

Chairman Bowns said they also said that if they fence a haystack, it just transfers the problem to somebody else.

Mr. Messerly, Regional Supervisor in Southern Region, said he was disappointed that this came up in the RAC. They strive to deal with depredation problems in this region on an individual basis. We do have some elk that winter in the area of concern. They try to fence the haystacks, but this person has not done so. In terms of haystacks, it is generally worth the expense and effort to fence them. With regard to issuing mitigation bull elk permit, sometimes that is appropriate and it has been done in the past. It is always a difficult proposition, because people feel very strongly about the bull elk. Mr. Messerly told the RAC that the Division was going to follow the law that is in place and the policies of the Division, but he would appreciate some show of support from the RAC to deal with this, after the circumstances have been investigated. The motion was an attempt to do this. Ms. Bonzo has met with this individual and Ms. Hunt, the depredation technician has met with the individual. We are on our way to taking care of this within the existing laws and policies.

Mr. Howard said that everything is in place on this issue and it is not necessary for the Board to take action on this.

Mr. Small said there was one other item that came up in their meeting concerning the popularity of newer rifle calibers, the .17 and the .204. Currently, any center fire cartridge is legal for big game, but with these real light bullets, it might be an issue. Their RAC would like to request a review by the Division as to whether or not it is still appropriate to stick with any center fire round.

Director Karpowitz said the Board could make this an action item. There is quite a big list of issues that need to be looked at for the Big Game Proclamation. That is where it would need to be changed.

Mr. Niemeyer said there are several new calibers coming out including the 50 calibers, on bipods and tripods. They can effectively kill an elk at around 2,000 yards. This could be a heated issue. Where do the ethics come in? It needs to be addressed from both angles.

Mr. Small said another reason to look at this is to not give anti-hunters more ammunition to use.

The following motion was made by Keele Johnson, seconded by Paul Niemeyer and passed unanimously.

MOTION: I move that the Division look at the calibers used in hunting.

Mr. Johnson said, on the cow elk hunts, we made some changes to the Division's recommendations, and comments were made, such as "why do we have biologists working on this if we do not take their recommendations?" He feels that as a Board we have a responsibility to question things and the Division has a responsibility to educate the Board members. Guy Wallace spent some time counting elk on the Cedar Mesa area with people from the area. Mr. Johnson says we need to educate each other and the Division should not get insulted if they question. We have a public we have to answer to.

Chairman Bowns said the same thing should apply to the public and they should not be offended if we question their motives or information.

- 9) **Great Salt Lakekeeper Variance Request Appeal (Action)**
-Martin Bushman, Assistant Attorney General

- 10) **Edmunds Appeal of Motion to Set Aside Default Order (Action)**
-Martin Bushman

The meeting was adjourned.